

# THE BERKMAN LAW OFFICE, LLC

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May 27, 2020

**BY ECF**

Hon. Mary Kay Vyskocil  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Shatsky, et al. v. Palestine Liberation Organization, et al.*  
Case no.18-cv-12355 (MKV) (dcf)

Dear Judge Vyskocil:

We represent the plaintiffs in the above-referenced action, and we respectfully submit this supplemental joint status letter pursuant to the Court's Order of February 3, 2020.

This is a civil action under the Antiterrorism Act ("ATA"), 18 U.S.C. § 2333, arising from a terrorist suicide bombing carried out on a Saturday night in a pizza parlor in the Israeli town of Karnei Shomron, in which American teenagers Keren Shatsky and Rachel Thaler were murdered, and several other American youngsters were severely maimed. The plaintiffs are U.S. citizens who were injured, or whose family members were murdered or injured, in the bombing. The defendants are the Palestine Liberation Organization ("PLO") and the Palestinian Authority ("PA").

On March 5, 2019, plaintiffs moved to stay this case *sine die* pending the disposition of two related proceedings in the District of Columbia. (*See* DE 12). The Court granted that motion in part; it directed the parties to file periodic status reports, and has renewed the stay several times. (DE 13; 16-17; 19-22). The current stay is due to expire on May 29, 2020. (DE 22).

Those two matters in the District of Columbia have now been resolved. On April 14, 2020, the D.C. Circuit dismissed plaintiffs' original action against the PLO and PA without prejudice for lack of personal jurisdiction. *See Shatsky v. PLO*, 955 F.3d 1016, 1022 (D.C. Cir. 2020). And on May 5, 2020, plaintiffs voluntarily dismissed without prejudice their "protective" suit against defendants in the District of Columbia. (*Shatsky v. PLO*, 18-cv-3141 (D.D.C.) at DE 5).

Plaintiffs are currently considering whether to petition the Supreme Court for certiorari review of the D.C. Circuit's April 14, 2020, decision, and whether, if they do seek certiorari relief, this action should be stayed during the pendency of their petition.

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Plaintiffs respectfully request a period of up to 30 days within which they will notify the Court whether they intend to seek certiorari review of the D.C. Circuit's decision, and of their position in respect to a stay of this action during the pendency of any such petition. Plaintiffs respectfully request that the stay set to expire on May 29, 2020, be extended during this period.

Defendants' counsel, Mitchell Berger, Esq. and Gassan Baloul, Esq., of Squire Patton Boggs, have authorized the undersigned to inform the Court that, while they do not agree with all of plaintiffs' statements above, they agree to the extension of the stay proposed by plaintiffs.

We thank you for your consideration.

Respectfully,



Robert J. Tolchin

Cc: Mitchell Berger, Esq.  
Gassan Baloul, Esq.